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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ian Carr et al.

Serial No. 10/827,434

Filed: April 20, 2004

For: TAMPER EVIDENT VACUUM
TUBE HOLDER ASSEMBLY
AND NEEDLE HUB
ASSEMBLY THEREFOR

Art Unit: 3767

Examiner: Gray, Phillip A.

Atty Docket: 0100/0157

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

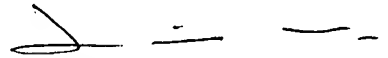
Sir:

In response to the Restriction Requirement dated September 1, 2009, applicants hereby elect for prosecution Invention I, i.e., the apparatus claims 1-21.

The examiner notes that there are two species, namely species A represented by Figs. 11a-11d and Species B represented by Figs. 12-17. Applicants respectfully submit that the examiner has erred in interpreting the Species, as the two Species are believed to be represented by Figs. 11a-11d and Figs. 12-14. Figs. 15-17 in fact show an exemplar inventive tube holder assembly with the wingnut represented by the second embodiment. See the first sentence in paragraph [0055]. The only difference between the first embodiment of Figs. 11a-11d and the second embodiment of Figs. 12-14 is that the second embodiment shows a four legged wingnut with two additional legs 100 and 102, as compared to the two legged wingnut shown in the Figs. 11a-11d embodiment. See the third sentence in paragraph [0054].

In view of the above clarification, applicants hereby elect Species A for prosecution. The claims that read on Species A are claims 1-3 and 5-21. Claim 4 is believed to be only claim specific to the embodiment shown in Figs. 12-14, as claims 1-3 and 5-21 read on both of the Species A and B shown in the respective embodiments of Figs. 11a-11d and Figs. 12-14. To wit, each of independent claims 1, 11 and 18 recites "finger grasp means", which covers both embodiments and are therefore generic to each of the species. Therefore, the examiner's assertion in the Office Action that there are no claims generic is believed to be misplaced.

Respectfully submitted,



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